



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Request Authorization for Joinder in Letter Supporting Review in the case of Macpherson v. City of Hermosa Beach, Case No. B174240 (Appeal from the decision of the Los Angeles County Superior Court, Case No. BC172546)

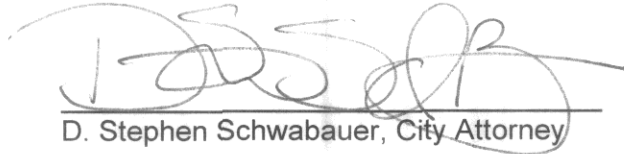
MEETING DATE: November 2, 2005 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: That the City Council authorize the City Attorney to execute letter in support of the petition for Supreme Court review in the case of Macpherson v. City of Hermosa Beach on behalf of the City of Lodi.

BACKGROUND INFORMATION: This case involves the potential liability of cities for damages for breach of contract where a local law impairs a contract to which the city is a party. The Court of Appeal ruled that the law (enacted by way of initiative) was a valid and constitutional exercise of the police power, but that because it frustrated performance of a contract to which the city was a party, could give rise to breach of contract liability. The decision has serious implications for all cities that enter into leases and other contracts with private parties.

FISCAL IMPACT: None.


D. Stephen Schwabauer, City Attorney

APPROVED: _____
Blair King, City Manager